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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/623,235
Filing Date: July 18, 2003
Appellant(s): PLASTINA ET AL.

Robert M. Bain
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/27/2009 appealing from the Office action mailed 10/17/2008.

(1) Real Party of Interest

A statement identifying by name the real party in internet is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 09/29/2008 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Meyer et al.	Pub. No.: US 2001/0031066
Srivastava et al.	Patent No.: US 6,549,922.
Berkun et al.	Pub. No.: US 2002/0103920
Ramey et al.	Pub. No.: US 2004/0059795.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-2, 5-7,9-20, 22, 29-30, 33-38, 41-43, 45-47, 50-51, 53, 54 59, 63-65 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (Pub. No.: US 2001/0031066 A1), hereinafter “Meyer” in view of Srivastava et al. (Patent No.: US 6,549,922 B1) and further in view of Berkun et al. (Pub. No.: US 2002/0103920 A1), hereinafter "Berkun".

2. As to claim 1, Meyer, discloses, the invention substantially, including, a method for obtaining metadata for a media content file storing media content, said media content file being stored on a computer storage medium (Meyer, [0007,lines 1-6] and [0013, lines 8-12], where system in [0007] can be implemented on CD or DVD which are computer storage medium), said method comprising:

a request data structure (Meyer, [0007, lines 12-15, where request in sent to one or more metadata server for media content), said request data structure comprising a request type identifier defining a type for the computer storage medium (Meyer, [0007],

where identifier inherently will be at least one of the computer storage format), a request identifier, and a plurality of metadata elements stored with the media content file (Meyer, [0007, lines 4-20, where container could be a data structure and identifiers are attached to each content); and

receiving a return data structure from the metadata provider (Meyer, [0007, lines 12-13), said return data structure storing a return type identifier defining the type for the computer storage medium (Meyer, [0007, lines 12-13],where server maps the identifier to the corresponding action which can include type or format).

However Meyer is silent on, “populating a data structure”. Srivastava however discloses, populating a data structure (Srivastava, Col.7, lines 63-67 and Col.8, lines 27-36, where database population process is discloses).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Meyer with the teachings of Srivastava in order to provide a to capture metadata stored in diverse proprietary formats, as well to capture user-generated metadata and metadata from other sources, and to transform the captured metadata into logical annotations stored in a standard format.

Meyer and Srivastava are however silent on, “the request identifier, and identified relevant metadata corresponding to the requested metadata" or "wherein, the metadata provider searches for the requested metadata in a database based on the received plurality of metadata elements and identifies the relevant metadata from the search

results" or "delay time interval" and "postponing additional requests for metadata until after the delay time interval has elapsed".

Berkun however discloses, wherein, "the request identifier, and identified relevant metadata corresponding to the requested metadata (Berkun, Fig.10, [0071], where URL is requested identifier and search results according to metadata elements listed in URL is the most relevant corresponding metadata" or "the metadata provider searches for the requested metadata in a database based on the received plurality of metadata elements and identifies the relevant metadata from the search results" (Porter, Fig.10, [0071], where URL are recognized in reverse order, these URL's contain plurality of metadata elements e.g. Fig. 11 semantically sort and categorize metadata based on various elements, who, what, when where etc and further details can be found in paragraph [0074] along with table of elements) and a delay time interval (Berkun, [0038], where each queue is given an processing time which can be interpret as delay time interval), or postponing additional requests for metadata until after the delay time interval has elapsed (Berkun, [0038], where queue means requests are sitting and waiting for their turn to be processed and obviously can be equivalent to say that processor processing the request one at a time).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Meyer and Srivastava with the teachings of Berkun in order to provide a system for enhancing metadata associated with media on a computer network include parsing the metadata into at least one field of metadata. The field(s) of metadata is compared to field(s) of valid metadata.

3. As to claim 37 has similar limitations to claim 1 above and therefore, have been rejected for under same rationale and further claim 37 recites, "correlates relevant metadata from the search results to compute an accuracy rating based on the received plurality of metadata elements (Berkun, Fig. 7 and Fig. 11, [0075], where full text relevancy and ranking of data is disclosed);

Receiving a return data structure including the accuracy rating from the metadata provider (Meyer, Fig.7, [0007, lines 12-13), said return data structure storing a delay time interval (Berkun, [0039], where the extraction queue entries are dequeued and distributed in priority and time order and further in paragraph [[0040], Berkun discloses that metadata information is stored in relational database management system and it will be obvious that due to web contents changing quite frequently and therefore, it is important to include a time interval in metadata for next update or new version or the life span of each specific files, songs etc.).

Postponing additional requests for metadata from the metadata provider unitil the delay time interval has elapsed (Berkun, [0038], where queue means requests are sitting and waiting for their turn to be processed and obviously can be equivalent to say that processor processing the request one at a time).

4. As to claim 47, Meyer, Srivastava and Berkun discloses, the invention substantially, including, a data structure sent from a first computing device to a second computing device in response to a request for metadata sent by the second computing device (Meyer, [0093, lines 1-7]), said data structure comprising:

a return type identifier defining a type for a destination computer-storage medium storing the media content, said media content being a song from a plurality of songs associated with an album (Srivastava, Fig.2, Col.3, lines 63-67 and Col.4, lines 1-7, where return type identifier is “cd:/vol/dev/aliases/cdrom0#cdda” and Col.8 audio CD annotation, where “ACDTA_TRACK_ID means obviously media content are audio songs associated with the album/CD);

a request identifier (Srivastava, Fig.2, Col.4, lines 1-7, where return type identifier is “cd:/vol/dev/aliases/cdrom0#cdda”); and

return metadata for plurality of songs associated with the album corresponding to the requested metadata including a delay time interval, wherein the second device postpones sending additional requests until after the delay time interval has elapsed (Berkun, [0039]-[0040], where the extraction queue entries are dequeued and distributed in priority and time order and further in paragraph [[0040], Berkun discloses that metadata information is stored in relational database management system and it will be obvious that due to web contents changing quite frequently and therefore, it is important to include a time interval in metadata for next update or new version or the life span of each specific files, songs etc.) and Berkun, [0038], where queue means requests are sitting and waiting for their turn to be processed and obviously can be equivalent to say that processor processing the request one at a time).

5. As to claim 43 and 64 Meyer, Srivastava and Berkun discloses, including, formulating a network address with a query string parameter (Srivastava, Col.3, lines 63-67), said query string parameter comprising an identifier and a value associated

therewith (Srivastava, Col.4, lines 1-7), said identifier or a portion thereof comprising the text string WMID (Srivastava, Col.5, See predefined Annotation table), said associated value corresponding to the media content (Srivastava, Col.4, lines 1-7), wherein the media content file comprise one of a plurality of songs in album (Srivastava, Col.8 audio CD annotation, where "ACDTA_TRACK_ID means obviously media content are audio songs associated with the album/CD);

requesting metadata for the media content file from a metadata provider via the formulated network address (Srivastava, Col.8, lines 37-49, where URL is a formulated network address and database is the metadata provider, further URL stored in database along with corresponding media files can also be interpret as calculating from the computer storage medium); and

receiving a return data structure from the metadata provider (Srivastava, Col.8, lines 37-49, the physical properties captured in logical annotation are mapped into the fields of a database object), said return data structure storing a return type identifier defining a type for the computer storage medium, a request identifier (Srivastava, Col.8, lines 37-49, where URL is a request identifier which has corresponding data stored in the database which points to metadata provider e.g. Audio CD), and return metadata corresponding to the metadata for each of the plurality of songs in the album (Srivastava, Col.8, lines 37-49, and Col.8, table, Audio CD Annotation, which obviously contain plurality of songs).

6. As to claim 2, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, wherein the return metadata comprises

metadata determined by the metadata provider to be associated with the media content file ([0007, lines 1-6, where contents are identified through identifiers embedded in it or the container ID which could be a metadata).

7. As to claims 5-6, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, wherein the request type identifier comprises MDQ-CD or MDQ-DVD (Meyer, [0013, lines 10-16], where identifiers are encoded metadata in CD or DVD).

8. As to claim 7, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, wherein the metadata provider comprises a computer (Meyer, [0013, lines 12-13, where server is serving metadata).

9. As to claim 9, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, associating the return metadata or a portion thereof with namespace identifiers including at least one of WMContentID (Meyer, [0014, lines 1-2], where identifier could be a namespace identifier and [0013, lines 8-12], where, table of content could be WMContentID); and

storing the namespace identifiers and associated metadata with the media content file (Meyer, [0007, lines 9-11], where decoding identifier means identifier is stored or embedded with the media).

10. As to claim 10, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 9, including, wherein the return metadata comprises a

globally unique identifier (Meyer, [0013, lines 13-16], where unique identifier is globally unique identifier).

11. As to claim 11, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, further comprising classifying the media content with namespace identifiers including at least one of WMPrimaryClassID and WMSecondaryClassID (Srivastava, Col.5-8, predefined Annotation table, where media annotation, audio annotation, video annotation, text annotation, movie annotation and audio CD annotation can be any of the claimed limitation WMPrimaryClassID and WMSecondaryClassID and further these are merely a given names to various fields which Examiner consider is design choice).

12. As to claim 12, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, further comprising associated the return metadata or a portion thereof with a namespace identifier representing a box set identifier (Meyer, [0017, lines 10-15, where physical packaging identifier could be a box set identifier).

13. As to claim 13, is rejected for the same rationale as applied to claim 11 above.

14. As to claim 14, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 13, including, wherein requesting the metadata comprises requesting the metadata from at least one of the following: a client computer (Meyer, [0040, lines 8-10], where user is a client computer).

15. As to claim 15, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, wherein the media content file comprises one of a plurality of songs in an album (Meyer, [0014], where identifier contains title, artist, lyrics they are all associated with plurality of songs contain in an album), wherein requesting the metadata comprises requesting metadata for the song included in the media content file (Meyer, [0014], where audio object is a song), and wherein the return metadata comprises metadata for the plurality of songs in the album at least one of the songs not included in the media file (Meyer, [0014, lines 11-16], where songs, title, lyrics and CD information are all associated with metadata).

16. As to claim 16, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, further comprising storing the return metadata in a cache (Meyer, [0065, lines 1-7], where buffering is caching).

17. As to claim 17, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, further comprising storing the return metadata with the media content file (Meyer, [0014, lines 3-6], where identifier travel means it is permanently associated with media content).

18. As to claim 18, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, further comprising requesting additional metadata from the metadata provider using a portion of the return metadata (Meyer, [0014, lines 11-22], where fans can order more music through metadata).

19. As to claim 19, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, wherein requesting the metadata comprises formulating a network address with one or more query string parameters (Srivastava, Col.3, liens 63-67), said formulated network address representing the request data structure Srivastava, Col.3, liens 51-61,where location is determined by URL).

20. As to claim 20, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, wherein the network address comprises a uniform resource locator (Meyer, [0014, line 15]).

21. As to claim 22, Meyer, Srivastava and Berkun discloses, the invention substantially as in parent claim 1, including, one or more computer-storage media having computer-executable instructions for performing the method of claim 1 (Srivastava, Col.4, lines 1-7, where Sun Solaris OS is computer executable instruction).

22. As to claim 59, Meyer, Srivastava and Berkun discloses, the invention substantially including,

Media content (Srivastava, Col.5, predefined annotation table, MA_Content_Date);

Two of more of the following identifiers characterizing the media content: WmContentID, WMCollectionID, WMCollectionGroupID, WmPrimaryClassID and WMSecondaryClassID (Srivastava, Col.8, line 14, where ACDTA_AUDIO_CD_TRACK_CDID can be a WmcontentID, predefined annotations,

any of the two annotations can be equivalent to identifiers, Wherein the identifiers value for WMContentID, WMCollectionID, WMCollectionGroupID, WmPrimaryClassID and WMSecondaryClassID each comprises a globally unique identifier (Srivastava, Col.6, lines 22-26, where each identifier has a value and the values can be interpret as globally unique identifier for each different metadata content);

An identifier value associated with each of the two or more identifier (Srivastava, Col.6, lines 22-26), wherein the two or more identifiers are sent to a metadata provider (Srivastava, Col.3, lines 50-60, where XML file is converted into schema and schema is used to send the identifiers to data source), said metadata provider searching for the requested metadata in a database based on the received two ore more identifiers and identifying relevant metadata from the search results (Srivastava, Col.3, lines 63-67 and Col.4, lines 17, where protocol and locations are used to parse the URL), said metadata provider returning the relevant metadata from the search results wherein the identifier value for WMPrimaryClassID and WMSecondaryClassID comprises one of the following:

audio and video (Srivastava, Col.4, lines 1-7, where CD data can be audio or video); and

Wherein the following identifiers represent increasing level of granularity for classifying the media content; WMCollectionGroupID, WMCollectionID, and WMContentID (Srivastava, Col.5, table “predefined annotations” contain audio and video annotations which contains increasing level of granularity for classifying the media data).

Meyer and Srivastava however are silent on, "WMPrimaryClassID and WMSecondaryClassID are audio and video respectively".

Berkun however discloses, "WMPrimaryClassID and WMSecondaryClassID are audio and video respectively" (Berkun, [0004], [0043] and [0044], where primary and secondary ID can be title and performer respectively, and wherein said primary_ identifier value and said secondary_ identifier value are assigned from a pre-defined pool of identifier values controlled by an authorized party to prevent confusion and pollution of a namespace).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Meyer and Srivastava with the teachings of Berkun in order to provide a system for enhancing metadata associated with media on a computer network include parsing the metadata into at least one field of metadata. The field(s) of metadata is compared to field(s) of valid metadata.

23. As to claim 29, is rejected for the same rational as applied to claim 1 above.

24. As to claim 30, Meyer, Srivastava and Berkun discloses, the invention substantially as the parent claim 29, including, wherein the return metadata comprises metadata determined by the metadata provider to be associated with the media content file (Meyer, [0095, lines 1-7], where transferring the a copy of the selection to the user is a associated metadata with the media content file as a media library).

25. As to claim 38, Meyer, Srivastava and Berkun discloses, the invention substantially as the parent claim 37, including, wherein the instructions further comprise

classifying the media content file based on the return metadata (Meyer, [0093, lines 13-15], where adding titles to the on-line library is classifying the media content).

26. As to claim 42, Meyer, Srivastava and Berkun discloses, the invention substantially as the claim 23-36 above, including, determining an identifier value (Meyer, [0093, lines 11-12], where extracting identifier means determining identifier);

associating the determined identifier value with media content (Meyer, [0093, lines 13-14], where adding corresponding title is associating identifier with media content); and

storing the identifier value and assigned fields with the media content (Meyer, [0093, lines 14-16, where online library means identifiers are stored with the media content).

assigning the determined identifier value to one or more of the following namespace identifiers:

WMContentID (Srivastava, Col.5-8, Predefined Annotation table, line 13, where ACDA_AUDIO_CD_ID could be a WMContentID).

27. As to claim 45 and 46, Meyer, Srivastava and Berkun disclose, the invention substantially as the parent claim 43, including, wherein the type relates to at least one of, a compact disc, a digital versatile disc, and flash memory (Meyer, [0013, lines 10-12]).

28. As to claim 50, Meyer, Shrivastava and Berkun discloses, the invention substantially as the parent claim 47, including, wherein the type relates to at least one of

the following: a compact disc, a digital versatile disc, and flash memory (Meyer, [0093, lines 5-7]).

29. As to claim 51, Meyer, Shrivastava and Berkun disclose the invention substantially, including, a first field storing a content identifier value (Srivastava, Col.8, line 14, where ACDA_AUDIO_CD_ID can be a WmcontentID), said first field having a label of VMContentID (Srivastava, Col.8, predefined annotation table, where (Srivastava, Col.8, line 14, where ACDA_AUDIO_CD_ID representing a particular CD), said content identifier value representing a performance of a particular work as it relates to a specific collection, said performance being embodied in the media content (Srivastava, Col.8, predefined annotation table, where ACDA_AUDIO_CD_ID contain);

A second field storing a collection identifier value, said second field having a label of WMCollectionID, said collection identifier value representing a single physical medium of the media content (Shrivastava, Col.8, predefined annotation table, ACDA_Audio_CD_ARTIST can be a collection of songs on single CD from one artist); and

A third field storing a group identifier value, said third field having a label of WMCollectionGroupID said group identifier value representing a plurality physical medium of the media content (Srivastava, Col.8, predefined annotation table, where ACDTA_AUDIO_CD_TRACK_ALBUM can be a label representing particular CD).

30. As to claims 33-36, 40-41 and 63, are rejected for the same rationale as applied to claims 11 and 51 above.

31. As to claims 65, Meyer, Shrivastava and Berkun discloses the invention substantially as in parent claim 64 and 68, including, wherein the formulated network address comprises a uniform resource locator (Meyer, [0014, lines 11-22, where URL could be a formulated network address).

32. As to claim 67, Meyer, Shrivastava and Berkun discloses the invention substantially as in parent claim 64 and 68, including, including, another query string parameter, said query string parameter comprising another identifier and another value associated therewith, said other identifier comprising one of the following: VERSION (Meyer, [0039, lines 4-10, where batch processing could be another query string).

33. Claims 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer, Srivastava and Berkun as applied to claims 51-52 above, in view of Ramey (Pub. No.: US 2004/0059795 A1), hereinafter "Ramey".

34. As to claim 53, Meyer, Shrivastava and Berkun discloses the invention substantially as in parent claim 51 and claim 55. However, Meyer, Shrivastava and Berkun are silent on disclosing explicitly, wherein the content identifier value, the collection identifier value, and the group identifier value each comprise a globally unique identifier. Ramey however, discloses, generating a globally unique transaction identifier, which is associated with data.

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Meyer, Shrivastava and

Berkun with the teachings of Ramey in order to provide a system for tracking a data transfer transaction across a multi-hop network (Ramey, Abstract).

35. As to claim 54, Meyer, Shrivastava, Berkun and Ramey discloses, the invention substantially as in parent claim 51 and claim 55, wherein the third field represents a box set identifier (Srivastava, Col.8, line 14, where ACDTA_AUDIO_CD_TRACK_CDID can be a Box set identifier).

(10) Response to Argument

(A) Prior art “Meyer, Srivastava and Berkun" does not teach, "postponing additional requests for metadata from a metadata provider until after a delay time interval has elapsed”.

Examiner respectfully disagrees because the phrase “delay time interval has elapsed” is merely a time interval which can be any number starting from zero time interval to onward. Applicant however describes the delay time interval limitation (see page.13 of currently submitted appeal brief) as follows: e.g.

<Back off>
<Time>5</Time>
</Backoff>

Examiner has read the claim as currently presented and has given the broadest interpretation possible. The said limitation according to the Examiner's interpretation can be found in Berkun in paragraphs [0030], [0038] and [0039]. Berkun discloses, in light of Fig.4, request are searched and parsed and then are passed to extraction agent 68 via an extraction queue 67. The extraction queue 67 may comprise metadata queue entries

such as URLs, Web page titles, Web page key words, Web page descriptions, media title, media author and media genre. Each queue entry added to the extraction queue is assigned a processing time and priority. Since the requests are queued in the extraction queue and waiting to be processed is same as postponing additional requests for metadata from a metadata provider until after a delay time interval has elapsed before processing queue higher in the sequence and further detail can be found in paragraph [0039] related to time order/interval.

(B) Prior art “Meyer, Srivastava and Berkun" does not teach, “Submitting a request for metadata for a song associated with an album and receiving metadata for each song associated with the album”.

Examiner respectfully disagrees, because Berkun's associated metadata with a song comprises the “fields of composer, Title, Musician, Album Name, and Music Genre” as disclosed in paragraph [0032] and further in paragraph [0030] disclosed is a media files and related metadata are searched for and retrieved by reading, extracting, enhancing and grouping metadata describing the contents of files. Srivastava also describes a similar concept in Column 8 (please see predefined annotation table), where number of track on the CD and starting time of first and second tracks are disclosed. Therefore, it will be obvious to one of the ordinary skilled in the art to make further modifications around receiving, searching, embedding metadata in the art of media streaming or the same.

(C) Prior art “Meyer, Srivastava and Berkun" does not teach, “representing increasing level of granularity for characterizing the media content using three fields’ of data structure”.

Examiner respectfully disagrees because Srivastava discloses the increasing level of granularity in table “Predefined Annotations” under Column 5, 6 and Column 8. In the table three levels is represented with Media Annotation, Audio Annotation, Video Annotation and further Text Annotation, Movie Annotation, Audio CD Annotation.

(D) Applicant further argues that there is no suggestion or motivation to combine the prior art of the record.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the motivation to combine explicitly flows from the prior art, for example;

- One of ordinary skilled in the art would have been motivated to combine Meyer and Srivastava because it would be given them the increasing level of tuning in regard to embed or use content related identifiers.

- While Berkun and Ramey Combined would have given the tracking information about the media e.g. how many times media has been accessed, or the destination device accessing certain media and can be further modified to incorporate the billing criteria by using tracking table or Ramey into the invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/T. H./

Examiner, Art Unit 2452

/Dohm Chankong/
Primary Examiner, Art Unit 2452

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451